IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 1ST JANUARY 2007 / 11TH PAUSHA 1928

WP(C).No. 25648 of 2006(C)

PETITIONER:

K. AJITHKUMAR,
NEDUMPARAMBIL (H), AMAYIDA, AMBALAPPUZHA,
ALAPPUZHA.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

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1. SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. PROJECT OFFICER (COIR),
OFFICE OF THE PROJECT OFFICER, ALAPPUZHA.

3. AMBALAPPUZHA COIR MATS &
MATTINGS CO-OP. SOCIETY LTD.NO.394, VADACKAL,
ALAPPUZHA-3, REP. BY ITS SECRETARY.

BY ADV. SRI.A.JAYASANKAR FOR R3
SRI.MANU GOVIND
GOVERNMENT PLEADER P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).25648/2006

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- TRUE COPY OF THE NOTICE DATED 10.10.03 OF THE 2ND RESPONDENT.

EXT.P2- TRUE COPY OF THE REPLY SUBMITTED ON 12.11.03 BY THE PETITIONER.

EXT.P3- TRUE COPY OF THE AUDIT REPORT ISSUED BY ASST.REGISTRAR ON 17.4.02

EXT.P4 SERIES- TRUE COPY OF THE NOTICES PUBLISHED BY MR.M.T.CHANDRASENAN

EXT.P5- TRUE COPY OF THE NOTICE DATED 17.7.03 ISSUED BY THE COIR INSPECTOR.

EXT.P6- TRUE COPY OF THE REQUEST DATED 21.7.03 OF THE PETITIONER.

EXT.P7- TRUE COPY OF THE LETTER DATED 27.3.03 ISSUED TO THE 2ND RESPONDENT.

EXT.P8- TRUE COPY OF THE ORDER DATED 12.2.04 OF THE 2ND RESPONDENT.

EXT.P9- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER UNDER SECTION 83(1)(J).

EXT.P10- TRUE COPY OF THE NOTICE DATED 13.9.05 OF THE ADDL.SECRETARY FOR HEARING.

EXT.P11- TRUE COPY OF THE NOTICE DATED 14.10.05 OF THE ADDL.SECRETARY FOR HEARING.

EXT.P12- TRUE COPY OF THE NOTICE DATED 25.10.05 OF ADDL.SECRETARY FOR HEARING

EXT.P13- TRUE COPY OF THE ORDER DATED 19.8.06 PASSED BY THE 1ST RESPONDENT

EXT.P14- TRUE COPY OF THE NOTICE DATED 19.9.06 OF THE 3RD RESPONDENT.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 25648/2006

Dated this the 1st day of January, 2007

JUDGMENT

The contention raised in this Writ Petition by the writ petitioner is that Ext.P13 order was passed by the Secretary, who had not heard the matter, and on the other hand, the parties were heard by the predecessor in the Office of Secretary of the Industries Department.

2. The learned counsel brought to my notice Ext.P10, which reveal that hearing was conducted by One Smt.V.Bhavani IAS, Additional Secretary to Government on 14.10.2005. However, Ext.P13 order dated 19.8.2006, had been passed by one Smt.Sarada Muraleedharan, who had not heard the parties.

3. The Senior Government Pleader submits that the order was passed after the retirement of the former incumbent, Smt. V.Bhavani, IAS, which is permitted as per the law. But the counsel for the writ petitioner submits that it was not the Order, which was written by the previous incumbent, and pronounced by the successor in the office. The Order had been written and pronounced

by the Successor, without hearing the parties. Therefore, all the contentions, that were raised before the former Secretary, Smt.V.Bhavani IAS who heard the matter, had not been dealt with, considered and appreciated by the Secretary, who passed Ext.P13 order, submits the counsel. Hence, the counsel further submits that an opportunity may be given to agitate the matter afresh before the present incumbent in the office of the Secretary of the Industries Department.

4. After hearing both sides and considering the materials that are placed before me, I quash Ext.P13 order dated 19.8.2006. I remand the matter to the first respondent, who shall hear again all the parties concerned, and dispose of the same afresh at the earliest, in any case within two months from the date of production of a copy of this judgment.

The writ petition is allowed as above.

J.M.JAMES
JUDGE

mrcs